

09/098,279

Office Action dated: Nov. 5, 2003

Response dated May 5, 2004 (re-submittal June 8, 2004)

REMARKS

This response was originally filed, with all fees on May 5, 2004. The re-submittal of the entire amendment is made to comport with appropriate claim identifiers, as requested in a notice dated May 18, 2004.

Claims 1, 8, 26, 31, 39 and 44 have been amended to further clarify the subject matter regarded as the invention. Claims 3, 6, 10, 19-25, 32-38, 45-46, and 51 were previously cancelled. Claims 1, 2, 4, 5, 7-9, 11-18, 26-31, 39-44, 47-50 and 52-66 remain pending.

Reconsideration of the application is respectfully requested based on the following remarks.

RESTRICTION REQUIREMENT

The Restriction Requirement from paper 22 should be reconsidered. First, the late nature of this restriction after many years of examination is unreasonable. This is a clear case of piecemeal prosecution that the MPEP indicates is improper. All these claims were previously the subject of an appeal which was withdrawn by the USPTO and returned to the Examiner for further examination. On being returned to the Examiner, the late restriction requirement was issued. Second, claims 26-31, 39-44, 47 and 48 are akin to the subject matter of claims 1, 2, 4, 5, 7-9 and 11-18, thus the Examiner should at least revisit these claims. Third, examination of such claims in a single application would not be a substantial burden on the Examiner. Reconsideration of the Restriction Requirement is respectfully requested.

PATENTABILITY OF THE INVENTION

In the Office Action, the Examiner rejected claims 1, 2, 4, 5, 7-9 and 11-18 under 35 USC §103(a) as being unpatentable over Ng (U.S. Patent 5,731,832) in view of Goldberg (U.S. Patent 6,526,158 B1). This rejection is fully traversed below.

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Ng describes a system for detecting motion in a video signal. The system detects motion in a video signal by identifying differences between a current image frame and a reference image frame. A motion detection signal is generated by the system if a difference profile between the current image frame and the reference image frame exceeds a threshold. Upon generation of a motion detection signal, the system may be configured to record the current image frame if the difference profile exceeds the threshold.

Goldberg describes a method and system for obtaining person-specific images in a public venue (e.g., theme park). The system employs a unique machine-readable identification tap (49) located in a device such as a card, pin or bracelet, which is attached to the patron (43). Electronic images of the patron are captured by digital cameras (63). "At a distribution station (77), the patron can view images (85) corresponding to his tap identification, and the images may be printed (87) or may be delivered in electronic form on a videotape, CD, or email."

Claim 1 pertains to a surveillance method for operating a general purpose computer to provide remote surveillance of an internal area of a building. Among other things, claim 1 recites "notifying an interested user of the activity condition when the presence of the activity condition is detected." Further, the notifying is further described in claim 1 as follows:

wherein said notifying includes at least transmitting the surveillance image to a remote computer over a global computer network automatically when the activity condition is detected, and

wherein said transmitting includes forming an electronic mail message having a predetermined mailing address, the predetermined mailing address being associated with the interested user and being provided during said configuring, and electronically mailing the surveillance image to the remote computer over the network using the electronic mail message.

Claim 1, lines 16-23.

In the Office Action, the Examiner admits that Ng is deficient in discussing transmitting the surveillance image over a network using an electronic mail message. However, the Examiner relies on Goldberg which indicates that patrons can distribute images via electronic mail. Hence, the Examiner alleges that claim 1 is unpatentable over Ng in view of Goldberg. Applicants respectfully disagree.

According to Goldberg, images are captured for a patron at various locations in the entertainment venue. Goldberg teaches that patrons can, while at image

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distribution stations, send images to an electronic mail address. However, such image distribution is not automatically performed upon detecting an activity condition. Indeed, Goldberg teaches against sending images automatically on detection of an activity condition. That is, in Goldberg, the images are only later transmitted if, and when, a patron visits an image distribution station and the patron initiates an action at the image distribution station. Goldberg also does not detect activity conditions. Hence, the image distribution station of Goldberg does not and can not operate automatically to transmit images using an electronic mail message and a predetermined mailing address on detection of an activity condition.

In addition, claim 1 recites "configuring, prior to said receiving, comparing, detecting and notifying, said general purpose computing device so as to automatically notify the interested user via a predetermined mailing address when an activity condition is subsequently detected" (claim 1, lines 12-15). Neither Ng nor Goldberg teach or suggest a configuring act. Ng does not teach or suggest any use of a predetermined mailing address, as noted by the Examiner. Goldberg only mentions electronic mail in the context of a possible option for a patron at an image distribution station, which occurs at user's direction after image acquisition.

Still further, there is no disclosure, suggestion or motivation of record that would lead one of ordinary skill in the art to combine these references in the manner proposed by the Examiner. Ng concerns detecting motion in video signals, while Goldberg concerns personalized photographic images of patrons at an entertainment venue. The respective technologies and problems concerning these references are completely different. Accordingly, it is respectfully submitted that the combination of Ng and Goldberg is improper. Even if these references were somehow combinable, the combination would, at best, use electronic mail at an image distribution station (e.g., kiosk) to distribute already acquired images, but only after a patron visits the image distribution station.

Therefore, it is submitted that claim 1 is patentably distinct over Ng and Goldberg for at least the reasons noted above.

Claim 8 pertains to a system for providing remote visual monitoring of a location. Further, claim 8 recites limitations similar to those discussed above regarding claim 1. Hence, it is submitted that claim 8 is patentably distinct from the combination of Ng and Goldberg for at least similar reasons as claim 1.

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Based on the foregoing, it is submitted that claims 1 and 8 are patentably distinct from Ng and Goldberg. In addition, it is submitted that dependent claims 2, 4, 5, 7, 9, 11-18 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Ng and/or Goldberg. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1, 2, 4, 5, 7-9 and 11-18 under 35 USC §103(a).

Moreover, although fully distinguished on the merits above, it is noted that Goldberg is believed to be effective as prior art under 35 USC §102(e) as of February 26, 1999, which is subsequent to the filing date of the present application.


SUMMARY

It is submitted that the Restriction Requirement is not only improper but late. It is also submitted that claims 1, 2, 4, 5, 7-9 and 11-18 (as well as claims 39-44, 47-50 and 52-66) are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0805 (Order No. ATP97-1A).

Respectfully submitted,
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